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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. 94-07

**WASTE DISCHARGE REQUIREMENTS
FOR
NELSON & SLOAN
OTAY PLANT
SAN DIEGO COUNTY**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. On October 27, 1975, the Regional Board adopted Order No. 75-68, **Waste Discharge Requirements for Nelson & Sloan, Otay Plant**. Order No. 75-58 established requirements for the discharge of wastes from a sand and gravel processing and concrete batching plant located near the City of Chula Vista in San Diego County.
2. As part of the fiscal year 1993/94 waste discharge order update program, Order No. 75-68 has been reviewed by Regional Board staff in accordance with criteria established in the Administrative Procedures Manual adopted by the State Water Resources Control Board. Order No. 94-07 supersedes Order No. 75-68, and updates requirements for the Nelson & Sloan, Otay Plant.
3. The Nelson & Sloan, Otay Plant is located near the intersection of Seventh & Main Streets in Otay within the Otay Valley Hydrologic Area (10.20) of the Otay Hydrologic Unit (10.00).
4. Nelson & Sloan operates a sand and gravel processing facility and a transit-mix concrete batch plant at the Otay Plant. Water is used for washing sand and gravel, batching concrete, washing transit-mix truck drums, and dust control. Water from washing operations is collected, treated, and reused. Make-up water is pumped from an onsite well.
5. Sediment-laden water which has been used to wash sand and gravel has a chemical flocculent added to it and is then discharged to a series of three settling ponds. Clarified water from the settling ponds flows to a holding pond. 750 gallons per minute (gpm) of water is pumped from the holding pond for reuse in the sand and gravel washing operation and in the concrete batching operation.
6. Dredge sediments from the settling ponds are used for fill material at low areas on site or used commercially as a fill material.

7. Sediment-Laden washwater from transite-mix truck washing is collected in a 500 gallon oil/water separator tank. The discharge report states that the oil/water separator tank is pumped out every two months by a licensed waste hauler and transported to a disposal site that complies with regulations associated with industrial activities.
8. Sediment-Laden washwater from sand and gravel truck washing is collected in a 500 gallon oil/water separator tank. The discharge permit (MDID No. 9375005792) for storm water pollutants pursuant to the National regulations states that hazardous waste generated at the facility.
9. The Otay Plant is regulated pursuant to the San Diego County Hazardous Material Management Division for regulating the hazardous waste generated and stored onsite.
10. The San Diego County Hazardous Material Management Division regulates the hazardous waste generated and stored onsite.
11. The San Diego Air Pollution Control Board issued a permit for regulating air pollutants generated at the facility.
12. The Comprehensive Water Quality Control Plan Report, San Diego Basin (9) (Basin Plan) was adopted by this Regional Board on March 17, 1975; approved by the State Water Resources Control Board on March 20, 1975. Subsequent updates of the Basin Plan were adopted by the Regional Board and approved by the State Board.
13. The Basin Plan established the following beneficial uses for the surface waters of the Otay Valley Hydrologic Area (10.20).
- a. Agricultural Supply
 - b. Industrial Service Supply
 - c. Municipal and Domestic Supply
 - d. Wildlife Habitat
 - e. Preservation of Rare and Endangered Species
 - f. Non-contact Water Recreation
 - g. Industrial Service Supply
14. The Basin Plan established the following beneficial uses for the ground waters of the Otay Valley Hydrologic Area (10.20).
- a. Industrial Service Supply
 - b. Industrial Service Supply
 - c. Industrial Service Supply
 - d. Industrial Service Supply
 - e. Industrial Service Supply
 - f. Industrial Service Supply
 - g. Industrial Service Supply

15. The Basin Plan contains the following prohibitions which are applicable to this facility:

"Discharge of treated or untreated sewage or industrial wastewater, exclusive of cooling water or other waters which are chemically unchanged, to a watercourse, is prohibited except in cases where the quality of said discharge complies with the receiving body's water quality objectives."

"Discharging of treated or untreated sewage or industrial wastes in such a manner or volume as to cause sustained surface flow or ponding on lands not owned or under the control of the discharger is prohibited except in cases defined in the previous paragraph and in cases in which the responsibility for all downstream adverse effects is accepted by the discharger."

"Dumping or deposition of oil, garbage, trash or other solid municipal, industrial, or agricultural waste into natural or excavated sites below historic water levels or deposition of soluble industrial wastes at any site is prohibited, unless such site has been specifically approved by the Regional Board for that purpose."

"Land grading and similar operations causing soil disturbance which do not contain provisions to minimize soil erosion and limit suspended matter in area runoff are prohibited."

"The dumping or deposition of oil, garbage, trash or other solid municipal, industrial or agricultural waste directly into inland waters or watercourses or adjacent to the watercourses in any manner which may permit its being washed into the watercourse is prohibited."

16. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:

- a. Beneficial uses to be protected and the water quality objectives reasonably required for that purpose;
- b. Other waste discharges;
- c. The need to prevent nuisance;
- d. Past, present, and probable future beneficial uses of water;

3. Storage, use and/or disposal of wastewater in a manner that beyond result in ponding or surfacing of wastewater on Lands would result in prohibited area, as described in the findings of this Order, is prohibited.
2. The discharge of any radiological, chemical or biological waste is warfare agent, or high-level radiological waste is prohibited.
1. Discharges of waste to Lands which have not been specifically described to the Regional Board and for which valid waste discharge requirements are not in force are prohibited.

A. PROHIBITIONS

- IT IS HEREBY ORDERED, that Nelson & Sloan, Otaay Plant in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:
20. Nelson & Sloan, Otaay Plant is an existing facility and as such is exempt from the provisions of the California Environmental Quality Act, in accordance with Title 14, California Code of Regulations, Chapter 3, Section 15261.
19. The Regional Board in a public meeting heard and considered all comments pertaining to its proposed action.
18. The Regional Board has noted the discharge and all known interested parties of the intent to propose discharge.
17. The Regional Board has considered all water resource related environmental factors associated with the proposed discharge of waste.
- h. The need for developing housing within the region.
- g. Economic considerations; and
- f. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
- e. Environmental characteristics of the hydrologic unit under consideration including the quality of water available thereto;

4. The discharge of wastewater or other waste shall not:
 - a. Cause the occurrence of coliform or pathogenic organisms in waters pumped from the basin;
 - b. Cause the occurrence of objectionable tastes and odors in water pumped from the basin;
 - c. Cause waters pumped from the basin to foam;
 - d. Cause the presence of toxic materials in waters pumped from the basin;
 - e. Cause the pH of waters pumped from the basin to fall below 6.0 or rise above 9.0;
 - f. Cause this Regional Board's objectives for ground or surface waters of the Otay Valley Hydrologic Area (7.20), as established in the Basin Plan, to be exceeded;
 - g. Cause odors, septicity, mosquitos or other vectors, weed growth or other nuisance conditions in Otay River or its tributaries; or
 - h. Cause a pollution, contamination, or nuisance, or adversely affect beneficial uses of the ground or surface waters of the Otay Valley Hydrologic Area as established in the Basin Plan.
5. The discharge of waste in a manner other than as described in the findings of this Order or the Report of Waste Discharge is prohibited unless the discharger obtains revised waste discharge requirements that provide for the proposed change.
6. The discharge of wastewater or other waste to the Otay River or its tributaries is prohibited.
7. Discharge of grease, oil or other chemicals to the settling ponds is prohibited.
8. The discharger shall comply with the Basin Plan prohibitions listed in Finding 18 of this Order.

B. DISCHARGE SPECIFICATIONS

1. Materials discharged to the ponds shall consist of only runoff or washwater from the sand and gravel washing

2. Materials used for back filling of ponds below historical ground water levels shall be maintained in an impervious state.
3. The bottoms and sides of all ponds that contain wastewater shall be maintained in an impervious material approved by the Regional Board Executive Office.
4. A minimum freeboard of at least 2 foot shall be maintained in the ponds.
5. All waste treatment, containment and disposal facilities (including storage ponds and settling ponds) shall be protected against erosion, overland runoff, and other impacts resulting from a 100-year frequency storm.
6. All waste treatment, containment and disposal facilities (including storage ponds and settling ponds), shall be described in the Report of Waste Discharge and in the findings of this Order. The waste sediment shall be deposited in a manner that will prevent its erosion when subjected to the effects of up to a 100-year frequency flood as defined by the San Diego County Flood Control Agency.
7. All unused sediment and washwater shall be discharged as described in the Report of Waste Discharge and in the findings of this Order. The waste sediment shall be deposited in a manner that will be maintained in a 100-year frequency flood as defined by the San Diego County Flood Control Agency.
8. The sediment removal shall be conducted in a manner that will ensure that the normal quality and quantity of groundwater underflow of the Otay River will be maintained.
9. Sediment removed from process washwater or runoff shall be placed only in protected areas where precautions have been taken to minimize erosion.
- C. PROVISIONS
1. Neither the treatment nor the discharge of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code, as defined by Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for revocation and enforcement action; (b) termination, revocation and

reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.

3. In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. The provision applies for example, when the primary source of power of the treatment facility fails, is reduced, or is lost.
4. The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
5. The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.
6. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
 - a. Violation of any terms or conditions of this Order;
 - b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
7. The filing of a request by the discharger for the modification, revocation and reissuance, or termination of

8. This Order is not transferable to any person except after notice to the Executive Officer. The Regional Board may require modification or revocation and reassurance of this Order to change the name of the discharger as necessary under Regulation D.3.
9. This Order does not convey any property rights of any sort hereinafter not authorized to the Regional Board, or any exclusive private legacies. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state or local laws, nor create a vested right for the discharger to continue the waste discharge.
10. The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to enter upon the premises where a regulation record must be kept under the conditions of this facility or activity is located or conducted, or where records that must be kept under the conditions of this facility or activity are kept.
- a. Enter upon the discharger's premises where a regulation order;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this facility or activity;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations, or operations, or operations, or substances authorized by the California Water Code, any substances of assuring compliance with this Order or as otherwise specified in this Order; and,
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise specified in this Order; and,
11. A copy of this Order shall be maintained at Nelson & Sloan, Otay Plant and shall be available to operating personnel at all times.

12. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Order, shall not be affected thereby.
13. The discharger shall comply with the Monitoring and Reporting Program No. 94-07 as specified by the Executive Officer.
14. The wastewater disposal facilities shall have adequate capacity for the flow of 750 gallons per minute.
15. Waste discharge requirements shall remain applicable regardless of changes in ownership or lessee. A change in ownership shall be reported promptly to this Regional Board by letter.
16. The above prescribed waste discharge requirements are established only for (a) a discharge to lands owned or leased by the discharger and specifically reserved for the purpose of wastewater disposal; and (b) a waste disposal operation as described in the Report of Waste Discharge.
17. Prior to initiating discharges of wastes from the Nelson & Sloan, Otay Plant at locations other than those provided for by this Order or prior to initiating any material change in characteristics or volume of discharge, the discharger shall (a) submit a supplementary Report of Waste Discharge describing the proposed changes, and (b) obtain waste discharge requirements for the proposed changes.
18. The discharger shall develop and implement operation and maintenance procedures to prevent potential overflow of the settling ponds due to the buildup of siltation and mineral constituents.
19. The discharger shall implement a Storm Water Pollution Prevention Plan as specified in Water Quality Order No. 91-13-DWQ (as amended by Water Quality Order No. 92-12-DWQ) of the General Industrial Storm Water Permit.

D. REPORTING REQUIREMENTS

1. The discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:

- a. The addition of a new process or product by the discharger that results in a change in the character of the wastes.
- b. Significant change in the treatment or disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste.).
- c. Change in the disposal area from that described in the findings of this Order.
- d. Increase in flow beyond that specified in this Order.
- e. Other circumstances which result in a material change in character, amount, or location of the waste discharge.
- f. Any planned change in the regulated facility or activity which may result in noncompliance with this Order.
2. The discharger shall furnish to the Executive Officer of this Regional Board, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modification of this Order, or termination of this Order, or revocation of the discharger's responsibility to the Executive Officer.
3. The discharger must notify the Executive Officer, in writing at least 30 days in advance of any proposed transfer of this order, its responsibilities and coverage to a new discharger.
4. The discharger shall comply with the attached Monitoring and Reporting Program No. 94-07, and future revisions thereto as specified by the Executive Officer. Monitoring results shall be reported at the intervals specified in the monitoring and reporting program No. 94-07, and failed to submit any relevant facts in a Report of Waste Discharge or where the discharger becomes aware that it failed to submit monitoring and Reporting Program No. 94-07.
5. Where the discharger fails to submit any relevant facts in a Report of Waste Discharge or

submitted incorrect information in Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

6. The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
7. All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:
 - a. The Report of Waste Discharge shall be signed as follows:
 - (1) *For a corporation* - by a principal executive officer of at least the level of vice president.
 - (2) *For a partnership or sole proprietorship* - by a general partner or the proprietor, respectively.
 - (3) *For a municipality, state, federal or other public agency* - by either a principal executive officer or ranking elected official.
 - b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph (a) of this provision;
 - (2) The authorization specifies either an individual or a position having responsibility for the

- Order No. 94-07
1. California Water Code Section 13263(g) states:
 2. These regulations have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.
 3. The California Water Code provides that any person who discharges pollutants negligently violates any waste discharge regulations issued to the state under the California Water Code.
- "No discharge of waste into waters of the state, whether or not such discharge is made pursuant to waste control regulations such as those contained in the water quality control plan for the state, creates a vested right to waters of the state which are privileges, not rights."

E. NOTIFICATION

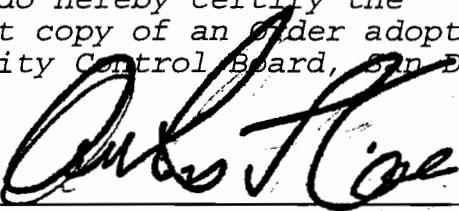
- The discharger shall submit reports required under this Order, or other information requested by the Executive Officer, to:
- "I, certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and appendices thereto, and that it is true, accurate, and complete. I am aware that the information is immeadiately responsible for obtaining attachments and that, based on my inquiry of those individuals involved, I believe the information is accurate, and that penalties for submitting false information, including possibility of fine and imprisonment, are significant penalties for submitting false information, including possibility of fine and imprisonment."
- c. Any person signing a document under this section shall make the following certification:
- (3) The written authorization is submitted to the Executive Officer.

overall operation of the regulated facility or activity; and

Board is subject to a civil monetary remedy of up to 20 dollars per gallon of waste discharged or, if a cleanup and abatement order is issued, up to 15,000 dollars per day of violation or some combination thereof.

4. The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor.
5. This Order becomes effective on the date of adoption by the Regional Board.
6. The requirements prescribed by this Order supersede the requirements prescribed by Order No. 75-68.

I, Arthur L. Coe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on February 10, 1994.



Arthur L. Coe
Executive Officer

- A. MONITORING PROVISIONS
1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitoring discharge. All samples shall be taken at the monitoring discharge. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitoring discharge.
 2. Monitoring must be conducted according to United States Environmental Protection Agency test procedures unless otherwise specified in Title 40, Code of Federal Regulations approved under CFR, Part 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act".
 3. All analyses shall be performed in a laboratory as amended, unless other test procedures have been specified in this Order.
 4. Monitoring results must be reported on discharge monitoring reporting forms approved by the Executive Officer.
 5. If the discharger monitors any pollutants more frequently than required by this Order, using test procedures approved under 40 CFR, Part 136, or as specified in this Order, the result of this monitoring shall be included in the calculation and reporting of the data submitted in the original monitoring information, including all callibration and maintenance records and all original strip chart recordings for continuous monitoring instruments, copies of all reports required by this Order, and records of all monitoring information, including all calibration and maintenance records of all monitoring equipment.
 6. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instruments, copies of all reports required by this Order, and records of all monitoring information, including all calibration and maintenance records of all monitoring equipment.

MONITORING AND REPORTING PROGRAM NO. 94-07

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

FOR
NELSON & SLOAN
OTAY PLANT
SAN DIEGO COUNTY

used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

7. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) the analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
8. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.
9. The discharger shall report all instances of noncompliance not reported under Reporting Requirement D.6 of this Order at the time monitoring reports are submitted. The reports shall contain the information listed in Reporting Requirement D.6.
10. The monitoring reports shall be signed by an authorized person as required by Reporting Requirement D.7.
11. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.

B. SETTLING POND MONITORING

1. Where there is more than one pond in series, samples shall be collected from the pond which is furthest downstream. Where there are several washwater or dust

Note: $\text{mg/L} = \text{milligrams per liter}$

1. An estimate of the monthly volume of water recycled.
2. An estimate of the monthly volume of water drawn from the makeup water source.

The discharge shall submit the following water volume information annually:

C. WASHWATER VOLUME MONITORING

1. Monthly height of dikes containing the wastewater. Freeboard at lowest measurement shall be submitted annually.
2. Monthly determine height of freeboard at lowest point of dikes containing the wastewater. Freeboard at highest point shall be submitted between May and September, inclusive.

Constituent	Sampling Frequency	Type	Units	Total Dissolved
Solids	Annually	Grab	mg/L	Total Dissolved
Chlorides	Annually	Grab	mg/L	Hydrocarbons
pH	Annually	Grab	pH Units	(Method 418.1)
2.	Annually	Grab	mg/L	Total Petroleum

Samples shall be collected and analyzed as follows:

control streams, samples shall be collected from the pond in each stream which is furthest downstream.

D. PLANT FACILITIES

The discharger shall annually submit one or more facility diagrams to show any changes to location of the following facilities. The discharger shall submit a statement if no changes were made during the year.

1. Buildings, stationary equipment, and machinery (such as batch plant, crusher, conveyor belts, etc.).
2. Excavation areas, stockpiles of mined materials, and stockpiles of sediment removed from settling ponds.
3. Location of settling ponds.
4. Location and description of facilities (i.e. berms, etc.) that provide flood and storm protection as required in Discharge Specification B.6 and B.7.

E. OPERATION AND MAINTENANCE PROCEDURES IMPLEMENTATION

By January 30 of each year the discharger shall submit a statement certifying that the operation and maintenance procedures developed pursuant to Provision C.18 of Order No. 94-07 was implemented by operating personnel throughout the previous year.

F. SOLID DISPOSAL

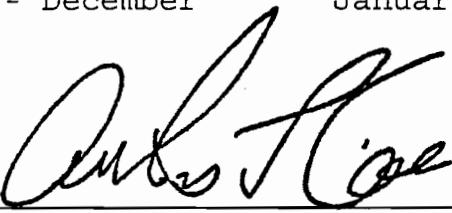
A description of the quantity and type of solid materials deposited into the ponds of the facility shall be submitted annually.

G. REPORT SCHEDULE

Monitoring reports shall be submitted to the Executive Officer in accordance with the following schedule:

<u>Reporting Frequency</u>	<u>Report Period</u>	<u>Report Due</u>
Annually	January - December	January 30

Ordered by



Arthur L. Coe
Executive Officer
February 10, 1994

